

KARAS,

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

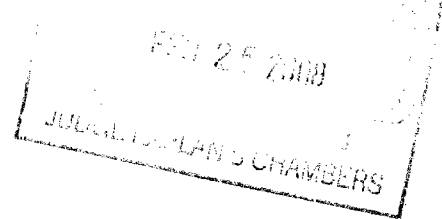
DIVERSIFIED GLASS SERVICES, INC, Individually  
and on Behalf of Itself and all Others Similarly Situated,

Plaintiff,

v.

Pilkington North America Inc., Nippon Sheet Glass, AGC  
Group (f/k/a AFG Glass or AFG Industries, Inc.), Asahi  
Glass Co. Ltd., Saint-Gobain Corporation, Saint-Gobain  
SA, Guardian Glass Corporation, and Co-Conspirators I-  
X,

Defendants.



Case No. 08 cv 0903 /AK

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**STIPULATION AND PROPOSED ORDER RE: EXTENSION  
OF TIME TO RESPOND TO COMPLAINT**

WHEREAS the complaint in this action was filed on or about January 25, 2008;

and

WHEREAS the plaintiff has requested that certain defendants waive service of  
process pursuant to Rule 4 of the Federal Rules of Civil Procedure; and

WHEREAS various other plaintiffs have filed and may file complaints in this and  
other judicial districts relating or possibly relating to the subject matter of this lawsuit, including  
*Colonial Glass Solutions v. Guardian Industries Corp., et al.*, Case No. 08-cv-00478 in the  
Eastern District of Pennsylvania, *Jackson Glass Company, Inc. v. Guardian Industries Corp., et  
al.*, Case No. 08-cv-00438 in the Eastern District of Pennsylvania, *Burhans Glass Co., Inc. v.  
Guardian Industries Corp., et al.*, Case No. 2:08-cv-10415 in the Eastern District of Michigan,  
*John Draper d/b/a Draper's Auto Glass v. Guardian Industries Corp.*, Case No. 07-cv-5223 in  
the Eastern District of Pennsylvania, *Gilkey Window Company, Inc. v. Guardian Industries*

*Corp., et al.*, Case No. 08-cv-00139 in the Western District of Pennsylvania, *Wally's Glass Service, Inc. v. Guardian Industries Corp., et al.*, Case No. 08-cv-00730 in the Eastern District of Pennsylvania, *Maran-Wurzell Glass & Mirror v. Asahi Glass Company Limited, et al.*, Case No. 2:08-cv-0017 in the Western District of Pennsylvania, *D & S Glass Services, Inc. v. Asahi Glass Company Limited, et al.*, Case No. 2:08-cv-00179 in the Western District of Pennsylvania, *E & G Auto Parts, Inc. v. Asahi Glass Company Limited, et al.*, Case No. 2:08-cv-00194 in the Western District of Pennsylvania, *Superior Glass, Inc. v. Asahi Glass Company Limited, et al.*, Case No. 2:08-cv-00198 in the Western District of Pennsylvania, *Frank's Glass, Inc. v. Guardian Industries Corp., et al.*, Case No. 2:08-cv-00202 in the Western District of Pennsylvania, *Greenwood Glass Company v. Guardian Industries Corp., et al.*, Case No. 08-cv-00203 in the Western District of Pennsylvania, and *Perilstein Glass Corporation v. Guardian Industries Corp., et al.*, Case No. 3:08-cv-00257-JZ in the Northern District of Ohio, and any subsequent or parallel proceedings regarding the subject matter of the pending civil action (together with this case, the "Related Actions"); and

WHEREAS certain of the plaintiffs in the Related Actions have filed motions (the "MDL Motions") with the Judicial Panel on Multidistrict Litigation (the "JPML"), pending under the JPML docket captioned *In re: Flat Glass Antitrust Litigation (No. II)*, MDL Docket No. 1942, seeking an order centralizing the Related Actions in a single federal judicial district for coordinated and consolidated pretrial proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the Plaintiff and the Defendants in this action, by and through their undersigned counsel or counsel acting on their behalf, that the Defendants' time to answer, move, or otherwise plead in response to the complaint in this action is extended until the earlier of (i) 60 days after service

of a consolidated amended complaint, in the event the JPML grants the MDL Motions; (ii) 60 days after service of the JPML's decision on the MDL Motions, in the event the JPML denies the MDL Motions; or (iii) the date on which the Defendants answer, move or otherwise respond to a complaint in any other of the Related Actions.

IT IS HEREBY FURTHER STIPULATED AND AGREED that the entry into this stipulation by the Defendants shall not constitute a waiver of any defenses except for insufficiency of process or insufficiency of service of process. For the avoidance of doubt, the Defendants expressly preserve and do not waive any other defenses, including, but not limited to, the defenses of lack of personal jurisdiction, lack of subject matter jurisdiction, or improper venue. The Defendants expressly reserve their rights to raise any such defenses in response to either the current complaint or any amended complaint that may be filed relating to this action.

IT IS HEREBY FURTHER STIPULATED AND AGREED that Defendants Nippon Sheet Glass, Saint-Gobain SA, and Asahi Glass Company Limited agree, pursuant to Rule 4 of the Federal Rules of Civil Procedure, to waive service of process of the summons and complaint in this matter only. Nothing in this paragraph shall obligate any Defendant to answer, move or otherwise respond to any complaint until the time provided in the preceding paragraphs.

Dated: February 21, 2008

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Merrill Davidoff  
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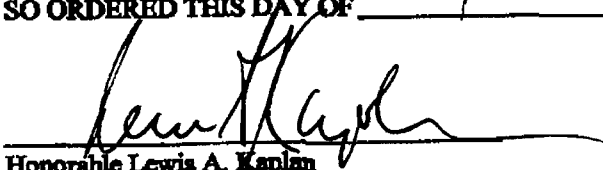
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*Attorneys for Asahi Glass Co., Ltd., and AGC  
Group.*

SO ORDERED THIS DAY OF 1/25, 2008

  
Honorable Lewis A. Kaplan  
United States District Judge